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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
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| 10/761,386  | 01/22/2004  | Hideaki Funakoshi    | 040894-5994                    | 3093                   |
| 9629 7590 05/31/2007<br>MORGAN LEWIS & BOCKIUS LLP<br>1111 PENNSYLVANIA AVENUE NW<br>WASHINGTON, DC 20004 |             |                      | EXAMINER<br>COLEMAN, VANESSA V |                        |
|   |             |                      | ART UNIT<br>2627               | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/761,386

Applicant(s)

FUNAKOSHI ET AL.

Examiner

Vanessa (Brandi) Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui, U.S. Patent No. 5,748,580 (hereinafter "Matsui") in view of Ikegame, U.S. Patent No. 6,069,867.

Regarding Claim 1, Matsui discloses an optical pickup (optical head; Abstract, Figs 1 & 5) including: a lens holder (objective lens holder; Fig 1, 18) holding a lens (objective lens; Fig 1, 22); a substrate secured to the lens holder (printed circuit boards; Fig 5, 19a and 19b); a fixing portion (stand portion; Fig 1, 17); three pairs of first, second and third wires, each pair being formed by two left and right wires (wire springs; Fig 5, 16a-16d and 16e-16h); attaching means (col. 4, lines 35-40); and that the first, second, and third wires extend parallel to each other (Col. 4, lines 20-27).

Matsui does not expressly disclose the first, second and third wires being of the same length and material, but the equivalence of the lengths of the wires can be determined from Figures 1 and 5, and further, it is commonly known in the art to use wires that are of the same material.

Matsui also does not disclose that the first, second and third wires are soldered to the substrate at different distances from the attaching means or that the first, second, and third wires extend parallel to each other. However, the use of resilient supporting members of the same length and material, that are parallel to each other and attached to the supporting means at different distances as disclosed by Ikegame (Fig. 12, Col. 9, lines 40—67, Col. 10, lines 1-11) would perform equally as well for the purpose of supporting the lens holder to be displaceable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the attaching means of Matsui to be of the same length and material, parallel to each other, and attached at different distances as taught by Ikegame, especially for the purpose of improving a damping function as disclosed by Ikegame (Col. 10, lines 58-63).

Regarding Claim 2, Matsui discloses an optical pickup (optical head, Abstract) comprising: a lens (objective lens; Fig 1, 22); a fixing portion (stand portion; Fig 1, 17); at least two pairs of wires (wire springs; Fig 5; 16a-16d and 16e-16h); attaching means (col.4, lines 35-40); and that the wires extend parallel to each other (Col. 4, lines 20-27).

Matsui does not expressly disclose the at least two pairs of wires being of the same length but the equivalence of the lengths of the wires can be determined from Figures 1 and 5.

Matsui also does not disclose that the at least two pairs of wires are soldered to the substrate at different distances from the attaching means. However, the use of resilient supporting members of the same length and material, that are parallel to each other and attached to the supporting means at different distances as disclosed by Ikegame (Fig. 12, Col. 9, lines 40—67, Col. 10, lines 1-11) would perform equally as well for the purpose of supporting the lens holder to be displaceable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the attaching means of Matsui to be of the same length and material, parallel to each other, and attached at different distances as taught by Ikegame, especially for the purpose of improving a damping function as disclosed by Ikegame (Col. 10, lines 58-63).

Regarding Claim 3, Matsui does not expressly teach that the wires of the disclosed invention are formed of the same material, however, it is commonly known in the art to use wires that are of the same material. Additionally, the use of resilient supporting members of the same material as taught by Ikegame (Col. 9, lines 50-52) further illustrates the common practice of the use of supporting means formed of the same material.

Regarding Claim 4, Matsui discloses the optical pickup (Abstract, Figs 1 and 5) according to claim 2, further including: a lens holder (objective lens holder; Fig 1, 18) holding the lens (objective lens; Fig 1, 22); and a substrate secured to the lens holder (printed circuit boards; Fig 5, 19a and 19b); wherein the wires are soldered to the substrate (Fig 1).

Regarding Claim 7, Matsui discloses an optical pickup (Abstract, Figs 1 and 5) comprising: a lens (objective lens; Fig 1, 22); a fixing portion (stand portion; Fig 5, 17); at least two pairs of wires (wire springs; Fig 5; 16a-16d and 16e-16h; an attaching member (col.4, lines 35-40); and that the wires extend parallel to each other (Col. 4, lines 20-27).

Matsui does not expressly disclose the at least two pairs of wires being of the same length, but the equivalence of the lengths of the wires can be determined from Figures 1 and 5.

Matsui also does not disclose that the wires are fixed to the lens at different distances from the attaching member. However, the use of resilient supporting members of the same length and material, that are parallel to each other and attached to the supporting means at different distances as disclosed by Ikegame (Fig. 12, Col. 9, lines 40—67, Col. 10, lines 1-11) would perform equally as well for the purpose of supporting the lens to be displaceable, where supporting the lens holder achieves the equivalent function of supporting the lens. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the attaching means of Matsui to be of the same length and material, parallel to each other, and attached at different distances as

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taught by Ikegame, especially for the purpose of improving a damping function as disclosed by Ikegame (Col. 10, lines 58-63).

***Allowable Subject Matter***

4. Claims 5 and 6 allowed. The prior art of record, neither alone nor in combination, discloses an optical pickup with a lens holder supported by at least two pairs of wires attached to a substrate on the lens holder at different distances from the attaching means, wherein the substrate has a plurality of soldering lands juxtaposed in a direction that at least one wire extends, nor does the prior art disclose an optical pickup with a lens holder having a plurality of grooves parallel to each other formed on both side surfaces of the lens holder with the wires inserted into the groove portions by an adhesive agent.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4 and 7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The disclosures of Nishikawa et al. US Patent No. 6,342,978 and Sugawara, US Patent Publication No. 2003/0161252 teach either the use of at a first, second, and third pair of wires in supporting a lens holder or the practice of attaching

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the supporting wires at different distances, as well as both teaching the wires of equal length, made of the same material, and parallel to each other.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

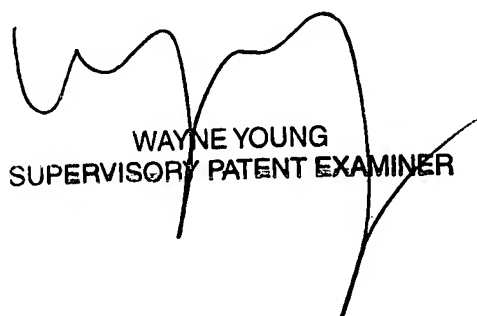


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman  
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VC

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER